

WESLEY E. OVERSON (CA SBN 154737)  
WOverson@mofo.com  
REBEKAH KAUFMAN (CA SBN 213222)  
RKaufman@mofo.com  
COLETTE M. COLES (CA SBN 274202)  
CColes@mofo.com  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: 415.268.7000  
Facsimile: 415.268.7522

Attorneys for Defendant  
VIATOR, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ROSALINA C. RELENTE AND TRAVIS R.  
ANDERSON, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

VIATOR, INC., a corporation, and DOES 1-100,  
inclusive,

Defendants.

Case No. CV 12-5868 JSW

**CLASS ACTION**

**STIPULATION AND  
~~PROPOSED~~ ORDER  
REGARDING CONTINUING  
HEARING AND SETTING  
BRIEFING SCHEDULE FOR  
PLAINTIFFS' MOTION FOR  
CLASS CERTIFICATION**

Hon. Jeffrey S. White

1 Pursuant to Civil Local Rules 6-2 and 7-12 and the Court's Civil Standing Orders ¶ 4, the  
2 parties, Plaintiffs Rosalina Relente and Travis Anderson ("Plaintiffs") and Defendant Viator, Inc.  
3 ("Defendant"), by and through their undersigned counsel of record, submit the following  
4 stipulation and proposed order:

5 WHEREAS, the last day for a hearing on Plaintiffs' motion for class certification is  
6 currently July 11, 2014, and the last day for Plaintiffs to file their motion for class certification is  
7 currently April 11, 2014;

8 WHEREAS, on December 9, 2013, the parties participated in mediation before Mediator  
9 Susan Haldeman and have continued their settlement negotiations since then;

10 WHEREAS, in light of the ongoing settlement negotiations, on January 17, 2014,  
11 pursuant to the parties' stipulation, the Court continued the last day for a hearing on Plaintiffs'  
12 motion for class certification, originally set for March 14, 2014, to its current date (Dkt. 54);

13 WHEREAS, because the parties are still engaged in settlement negotiations and are  
14 making significant progress, the parties have agreed to further continue the last day for a hearing  
15 on Plaintiffs' motion for class certification to October 17, 2014 so that the parties can continue  
16 their negotiations without incurring additional expenses and fees associated with briefing class  
17 certification, including expert witness fees;

18 WHEREAS, as contemplated by the Commentary on Civil Local Rule 7-2, given the  
19 complex nature of Plaintiffs' motion for class certification and the parties' desire to postpone  
20 briefing on class certification while they are engaged in active settlement discussions, the parties  
21 have agreed to an extended briefing schedule, with Plaintiffs' motion to be filed on or before  
22 August 1, 2014, Defendant's opposition to be filed on or before September 12, 2014, and  
23 Plaintiffs' reply to be filed on or before October 3, 2014; and

24 WHEREAS, the parties previously stipulated to extend the time within which Defendant  
25 was to answer or otherwise respond to the Complaint (Dkt. 5); pursuant to the parties' stipulation,  
26 the Court continued the deadline for Defendant to file its reply in support of its motion to dismiss  
27 the Complaint (Dkt. 15); and pursuant to the parties' stipulation, the Court previously continued  
28 the last day for a hearing on Plaintiffs' motion for class certification (Dkt. 54).

1 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties that the  
2 last day for a hearing on Plaintiffs' motion for class certification, currently July 11, 2014, shall be  
3 further continued to October 17, 2014, with Plaintiffs' motion to be filed on or before August 1,  
4 2014, Defendant's opposition to be filed on or before September 12, 2014, and Plaintiffs' reply to  
5 be filed on or before October 3, 2014.

6 Dated: March 14, 2014

7 WESLEY E. OVERSON  
8 REBEKAH KAUFMAN  
9 COLETTE M. COLES  
10 MORRISON & FOERSTER LLP

11 By: /s/ Rebekah Kaufman  
12 Rebekah Kaufman

13 Attorneys for Defendant  
14 VIATOR, INC.

15 JAMES M. SITKIN, ESQ.  
16 LAW OFFICES OF JAMES M. SITKIN

17 MICHAEL F. RAM  
18 KARL OLSON  
19 RAM, OLSON, CEREGHINO &  
20 KOPCZYNSKI

21 By: /s/ James M. Sitkin  
22 James M. Sitkin

23 Attorneys for Plaintiffs  
24 ROSALINA C. RELENTE, TRAVIS R.  
25 ANDERSON and all others similarly  
26 situated  
27  
28

**SIGNATURE ATTESTATION**

I, Rebekah Kaufman, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Regarding Briefing Schedule for Defendant Viator, Inc.'s Motion to Dismiss Complaint. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that James M. Sitkin has concurred in this filing.


/s/ Rebekah Kaufman

Rebekah Kaufman

**~~PROPOSED~~ ORDER**

**PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING, IT IS THEREFORE ORDERED** that last day for a hearing on Plaintiffs' motion for class certification, currently July 11, 2014, shall be further continued to October 17, 2014, with Plaintiffs' motion to be filed on or before August 1, 2014, Defendant's opposition to be filed on or before September <sup>5</sup> 12, 2014, and Plaintiffs' reply to be filed on or before September <sup>26</sup> 26, 2014.

Dated: March 17, 2014

  
The Hon. Jeffrey S. White  
United States District Judge